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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PETER ROBERT FLUX

Serial No.: 09/890,771

Filed: March 5, 2002

For: SAFETY LINE ANCHOR

Attorney Docket No.: UDL 0157 PUSA

Group Art Unit: 3634

Examiner: Alvin C. Chin-Shue

**RESPONSE TO NOTIFICATION OF  
NON-COMPLIANT APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the November 28, 2005 Notification of Non-Compliant Appeal Brief Under 37 C.F.R. § 41.37, applicant respectfully requests reconsideration pursuant to agreement during a telephone conference on December 12, 2005 between Examiner Alvin Chin-Shue and the undersigned attorney.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (FIRST CLASS MAIL)**

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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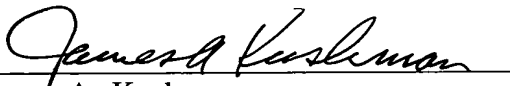
James A. Kushman  
Signature

During the above mentioned telephone conference, Examiner Chin-Shue indicated that it is actually appropriate for claims 10 and 11 to be indicated as "Previously Presented" since these two claims depend in the alternative from claims 1 and 2 under consideration in the Appeal as well as claim 5 which is "Withdrawn" from consideration.

Further processing of the Appeal on its merits is thus respectfully requested.

Respectfully submitted,

**PETER ROBERT FLUX**

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Date: December 13, 2005

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